

**REMARKS**

Claims 1-20 are pending in this application. Claims 5, 7, 9 and 13-18 stand withdrawn. Claims 1, 2 and 16 are independent claims. By this Amendment, claims 19 and 20 are amended. No new matter is added.

**Restriction**

Upon allowance of either generic claim 1 or 2, rejoinder and allowance of the withdrawn claims is requested.

**Claim Rejections under 35 U.S.C. §112**

Claim 19 is rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. As claim 19 is amended to address the rejection, withdrawal of the rejection is requested.

**Interview**

An interview was conducted on January 6, 2011, between Applicants' representative and Examiner Schatz. During the interview, press of Gardin was reviewed in view of independent claim 1. Applicants' representative pointed out that the grooves 14 shown in Fig. 1 of Gardin are provided on an outer side of the safety liner 3 and a cooperating side of the supporting liner 2. As such, the wire wrap 7 of Gardin cannot be properly interpreted as the claimed "prestressing device" because according to claim 1, for example, the tunnel-like passage are formed by a groove in said outer envelope surface of the force-absorbing body and a portion of said prestressing device covering said groove.

Examiner Schatz agreed and indicated that the wire wrap 7 of Gardin could not then be interpreted as the claimed prestressing device. Because Gardin fails to show

each of the features, *prima facie* anticipation has not been established. Therefore, the rejection of the claims should be withdrawn as being premature. Applicants, note that this same interpretation of the wire wrap 7 was applied in the first Office Action.

Examiner Schatz also proposed that the liner (outer cylindrical element 1) could be interpreted as the claimed "prestressing device" relying on page 10, lines 31-35 of Gardin. Examiner Schatz suggested amending the claims to recite a "final prestressing element" to distinguish over the new interpretation of Gardin.

### **Claim Rejections under 35 U.S.C. §102**

Claims 1-4, 6, 10, 19 and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by WO 95/21690 to Gardin et al. ("Gardin"). The rejection is respectfully traversed.

In rejecting the claims, it is alleged that Gardin discloses at least one tunnel-like passage running essentially over the length of said outer envelope surface of the force-absorbing body, the tunnel-like passage being defined by a groove in said outer envelope surface of the force-absorbing body and a portion of said prestressing device covering said groove. Applicants disagree.

As shown in Fig. 1 of Gardin, channels 14 are arranged between the safety liner 3 and the supporting liner 2 to conduct at least part of the medium out of the chamber 6 in case of a fracture. The Channels 14 consist of grooves provided on an outer side 3b of the safety liner 3 and the cooperating side 2a of the supporting liner (see page 9, lines 24-33 of Gardin).

Contrary to the disclosure of Gardin, it is alleged in the Office Action that the channels 14 are "defined by a groove in said outer envelope surface of the force-absorbing body (alleged in the Office Action to be the safety liner 3) and a portion of the prestressing device" (alleged to be the wire winding 7). However, as shown in Fig.

1 and described in the specification of Gardin, the grooves 14 are defined by the safety liner 3 and the liner 2. Therefore, Gardin does not disclose or suggest a tunnel-like passage defined by a groove in said outer envelope surface of the force-absorbing body (safety liner 3) and a portion of said prestressing device (wire winding 7).

Because Gardin does not disclose or suggest the claim feature, the rejection should be withdrawn.

Moreover, in an effort to expedite prosecution of the application, independent claims 1 and 2 are revised to recite that the tunnel-like passage is formed by a groove in said outer envelope surface of the force-absorbing body and a portion of said prestressing device covering said groove, rather than being defined by a groove in said outer envelope surface of the force-absorbing body and a portion of said prestressing device covering said groove, as previously recited. As this revision only clarifies that which was already does not recited, the revision does not require further consideration and/or search.

Regarding claims 19 and 20, Gardin discloses that the safety liner 3 may be arranged direct in the outermost cylindrical element 1, without intermediate supporting liners or other cylindrical elements 2. In that case, the winding wire 7 is wound around the outer most cylindrical element 1 after the safety liner is inserted (see page 10, lines 31-35). According to the described arrangement, the alleged prestressing device (winding wire 7) is only in direct contact with the outermost cylindrical element 1. The prestressing element 7 is not in direct contact with the safety liner 3 (alleged to be the force-absorbing body). As such, Gardin fails to disclose or suggest the additional features recited in claims 19 and 20. Therefore, the rejection should be withdrawn.

As discussed above, during the interview, it was alleged that the outer cylindrical element 1 may be considered as the claimed "prestressing device." Applicants disagree with the interpretation of the outer cylindrical element as the claimed prestressing device. For example, at page 7, lines 6-16, Gardin describes a first embodiment of the press which recites, "The high-pressure cylinder 1, 2, 3 is radially prestressed by means of a first wire winding 7 of steel wire." Thus, according to Gardin, the elements 1,2 3 comprise the high-pressure cylinder and the wire winding 7 is a prestressing device. Applicants respectfully remind the Examiner that statements and disclosures in a reference cannot be given meanings they would not have had to one skilled in the art having no knowledge of applicant's invention or to anyone else who can read the specification with understanding. (See *In re Wright*, 866 F.2d 422, 426, 9 USPQ2d 1649 (Fed. Cir. 1989). Thus, interpreting the outer cylindrical element 1 as the prestressing device is inconsistent with the clear disclosure of Gardin and therefore is prohibited.

At page 10, lines 31-35, Gardin describes another embodiment of the press 1, 2, 3 which recites that "the safety liner (3) may be arranged direct in the outermost cylinder element (1), without intermediate supporting liners or other cylinder elements (2). In that case, the outer cylinder element (1) is not fully prestressed when the safety liner (3) is inserted thereinto. The final predetermined prestress of the cylinder element (1) and the safety liner (3) is obtained, for example, by winding steel wire (7) around the outer cylinder element (1) after the safety liner (3) has been inserted."

Thus, Gardin merely discloses two embodiments, one of which includes elements 1, 2 and 3 being prestressed by the wire 7 and another embodiment where the liner 2 is removed and elements 1 and 3 are prestressed by the wire 7. Therefore, Gardin does not disclose or suggest that the outer cylindrical element 1 is a prestressing device.

Moreover, reliance on the passage which recites that “the outer cylinder element (1) is not fully prestressed when the safety liner (3) is inserted” is improper because “not fully prestressed” could be interpreted to mean that there is no prestressing of the cylinder element 1. Further, prestressing of the of cylinder element 1 does not make the cylinder element a prestressing device. Rather, it is the cylinder element 1 that is being acted on by a prestressing device (i.e., the wire 7).

Because Gardin fails to disclose or suggest the features of the claims, withdrawal of the rejection is requested.

**Claim Rejections under 35 U.S.C. §103**

Claims 11 and 12 are rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being unpatentable over Gardin. The rejection is traversed.

Claims 11 and 12 are allowable for their dependency on independent claim 1 for the reasons discussed above, as well as for the additional features recited therein. As such, withdrawal of the rejection is requested.

Claims 1-4, 6, 8, 10-12, 19 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication 2002/0076347 to Maerz (“Maerz”) in view of Gardin. The rejection is traversed.

In rejecting the claims, it is stated in the Office Action that it is “unclear if Maerz discloses an isostatic press comprising a prestressing device, provided around an outer envelope surface of the force-absorbing body, the force-absorbing body thereby being radially prestressed; and at least one tunnel-like passage running essentially over the length of said outer envelope surface of the force-absorbing body, the tunnel-like passage being defined by a groove in said outer envelope surface of the

force-absorbing body and a portion of said prestressing device covering said groove, for conducting pressure medium to a point of detection if such medium has leaked out from the pressure chamber to the outer envelope surface of the force-absorbing body.” Applicants disagree and submit it is clear that Maerz fails to disclose or suggest the claim features in that Maerz is silent regarding the features and makes no mention of a need for detecting leaks in the press.

In an effort to overcome the deficiencies of Maerz, it is alleged that one of skill in the art would have modified the pressure vessel 10 of Maerz according to the teachings of Gardin because the “use of a prestressed force adsorbing [sp] body (liner) is well known in the art...and the addition of tunnel-like passages will enable the press to detect when leaks have occurred in the force-adsorbing [sp] body.”

Even considering *arguendo* that the references were combinable, modifying Maerz according to the teachings of Gardin would necessarily include forming grooves on a safety liner which Maerz does not appear to disclose (Applicants note that there is no identification or description of reference numbers 1, 2, 3 or 5 in the reference). Once modified according to the teachings of Gardin, the modified device would fail still to include the claim features at least because Gardin merely teaches grooves 14 defined by the safety liner 3 and the liner 2. Therefore, Gardin does not disclose or suggest a tunnel-like passage defined by a groove in said outer envelope surface of the force-absorbing body (safety liner 3) and a portion of said prestressing device (wire winding 7). As such, the combination of references cannot render the claims unpatentable. Therefore, withdrawal of the rejection is requested.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-20 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By: \_\_\_\_\_

John A. Castellano, Reg. No. 35,094

P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

JAC/JWF:eaf

